

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CRIMINAL REVISION APPLICATION No. 847 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE MD SHAH

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BHURALAL MEGHAJIBHAI PARMAR - Applicant(s)
Versus
RANVIRSINH HEMANTSINH JADEJA & 1 - Respondent(s)

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Appearance :

MS FARHANA Y MANSURI for Applicant(s) : 1,
RULE NOT RECD BACK for Respondent(s) : 1,
MR PM LAKHANI for Respondent(s) : 1,
MR RI SHARMA for Respondent(s) : 1,
PUBLIC PROSECUTOR for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE MD SHAH

Date : 26/06/2007

ORAL JUDGMENT

1.0 By way of this application, the applicant has prayed to quash and set aside the order of the learned Special Judge, Jamnagar dated 30.06.2003 passed in Criminal Case No.48 of 2002.

2.0 The brief facts of the case are that the applicant-original complainant and respondent No.1-original accused, at the relevant point of

time, were 'Sarpanch' and 'Member' of the Jamvanthali Gram Panchayat, respectively. According to the applicant on 26.06.2002 when he was present in the Panchayat Office along with other persons, at that time respondent No.1 came there and quarreled with him and used abusive language about his Caste. The applicant, therefore, registered a complaint with the Police. Police filed charge-sheet in connection with the said complaint and the said offence was registered as Criminal Case No. 48 of 2002. In that case learned judge passed the order, which is under challenged in this application.

3.0 Heard learned Counsel for the parties. It is not in dispute that the applicant belongs to Schedule Caste. In support of the same, the applicant has produced a Caste Certificate vide Exhibit-11. The case of the applicant is that on the day of alleged incident, respondent No.1 came to Panchayat Office and quarreled with him over the issue of property tax and tried to beat him

and threatened of dire consequences. At that time of the said incident, the applicant was saved on account of interference of one Hakabhai Kadvabhai (Deputy Sarpanch), Mr. Kanjari (Talati-cum-Mantri), Mr. Kishorebhai (Peon) and one Dr. Pravinbhai. It may be noted that the applicant, in support of his case has not examined Mr. Kanjari. As regards the other eye-witnesses are concerned, they did not support the case of the applicant and they were declared 'hostile' by the lower Court. On the contrary, from the record it transpires that the said witnesses, on 19.06.2003 complained to one Mr. Pandey, Police Officer that the applicant was in the habit of filing false complaints.

3.1 The applicant has further stated that the alleged incident took place in Panchayat Office. However, on perusal of the record of Panchyat no such incident appears to have been recorded. Apart from that the compliant in his deposition has stated that he did not make any complaint

about theft of water. However, the same is controverted by Mr. Kanjari, in his deposition. Mr. Kanjari, has stated that the applicant made complaints about theft of water against the persons who does not belong to his own caste. Hence, it transpires that the applicant has not come before this Court with clean hands. It may be noted that State has not preferred any appeal against the impugned order. Hence, in view of the fact that the case of the applicant is not supported by any independent witness, the application deserves to be dismissed.

4.0 In the result, the application is dismissed. Rule is discharged.

(M.D. Shah, J.)

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